

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 574

Introduced by Assembly Member Hill

February 25, 2009

An act to add Section 1286.5 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 574, as amended, Hill. Health facilities: smoking.

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, a program for the licensing and regulation of health facilities. *A violation of these provisions is a misdemeanor.*

Existing law, with certain exceptions, prohibits smoking in patient care areas, waiting rooms, and visiting rooms of ~~a specified health facility~~ *facilities, including general acute care hospitals*. A violation of these provisions is an infraction.

~~This bill would authorize the department to establish a program with the goal of reducing the associated risks from tobacco smoke for hospital patients, staff, and visitors, and to encourage and assist these persons to quit smoking.~~ *prohibit smoking in all areas of a general acute care hospital and throughout the entire hospital campus, as specified. The bill would require general acute care hospitals to post specified signs and train employees on the smoking policy. The bill would also specify that violation of these provisions does not constitute either a misdemeanor or an infraction.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1286.5 is added to the Health and Safety
2 Code, to read:
3 1286.5. (a) Notwithstanding Section 1286, smoking shall be
4 prohibited in all areas of a general acute care hospital and
5 throughout the entire hospital campus, including, but not limited
6 to, buildings, parking areas, plazas, vehicles, underground
7 passages, and sidewalks, unless there is a government-mandated
8 exception. Public thoroughfares and sidewalks adjacent to the
9 general acute care hospital but not owned by the hospital are not
10 subject to this section.
11 (b) A general acute care hospital subject to subdivision (a) shall
12 post signs stating that smoking is prohibited on the entire hospital
13 campus at building entrances and in other conspicuous locations.
14 New employees shall be advised of this policy during orientation
15 and current employees shall be informed of the policy at least 60
16 days prior to implementation.
17 (c) A general acute care hospital may provide interested
18 patients, visitors, and staff with information on, or refer them to,
19 smoking cessation services.
20 (d) A city, county, or city and county may adopt and enforce
21 additional smoking and tobacco control ordinances, regulations,
22 or policies that are no less stringent than the applicable standards
23 under this section.
24 (e) This section shall not apply to property owned or leased by
25 the hospital that is distinct from, and not part of, the principal
26 medical campus and that is used for nonhealth care-related
27 purposes.
28 (f) This section shall not be subject to the provisions of Section
29 1290.
30 (g) It is the intent of this section to encourage and assist smokers
31 to quit tobacco use and to reduce the associated risks of tobacco
32 smoke to hospital patients, staff, and visitors.
33 ~~SECTION 1. Section 1286.5 is added to the Health and Safety~~
34 ~~Code, to read:~~

1 1286.5. ~~The department may establish a program with the goal~~
2 ~~of reducing the associated risks from tobacco smoke for hospital~~
3 ~~patients, staff, and visitors, and to encourage and assist these~~
4 ~~persons to quit smoking.~~

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